

SENATE BILL REPORT

EHB 3230

As of February 27, 2008

Title: An act relating to public notification and hearing requirements for permits issued under the shoreline management act.

Brief Description: Changing the public notification and hearing requirements for permits issued under the shoreline management act.

Sponsors: Representatives Conway, Darneille and Flannigan.

Brief History: Passed House: 2/18/08, 95-0.

Committee Activity: Water, Energy & Telecommunications: 2/26/08.

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Staff: Karen Epps (786-7424)

Background: The Shoreline Management Act (SMA), enacted in 1971, governs uses of state shorelines. The SMA includes specific legislative findings that pressures on shoreline uses and the impacts of unrestricted development on public and private shoreline property create the need to coordinate planning for shoreline development activities. The SMA also finds these pressures create the need to protect private property rights consistent with the public interest.

The Shoreline Management Act applies to all "shorelines of the state," which include both "shorelines" and "shorelines of state-wide significance." The SMA applies to all marine water areas of the state, together with the lands underlying them, to the western boundary of the state in the Pacific Ocean, to streams with a mean annual flow of 20 cubic feet per second or more, to lakes larger than 20 acres in area and to reservoirs.

With some exceptions, local governments must notify the public of all applications for permits under the SMA. Notice of applications must be given by one of the following methods:

- mailing of the notice to the latest recorded real property owners within at least 300 feet of the boundary of the property upon which the substantial development is proposed;
- posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or
- any other manner deemed appropriate by the local government to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices must include a statement that a person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning

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an application, may submit the comments or requests for decisions to the local government within a specified time frame.

If a public hearing is to be held on an application, notices of the hearing must include a statement that any person may submit oral or written comments on an application at the hearing.

Summary of Bill: Local governments must notify the public of permit applications under the SMA through all of the following methods:

- mailing of the notice to the latest recorded real property owners within at least 300 feet of the boundary of the property upon which the substantial development is proposed;
- posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or
- any other manner deemed appropriate by the local government to accomplish the objectives of reasonable notice to adjacent landowners and the public.

If the proposal is for the construction or alteration of a facility that performs or is likely to perform construction, refurbishment, maintenance, repair, lay berthing, or demolition for large marine vessels, the local government must mail the notice of the proposal to property owners within at least 1,000 feet of the boundary of the property upon which the substantial development is proposed within five days.

Similarly, if the permit application is for the construction or alteration of a facility that performs or is likely to perform construction, refurbishment, maintenance, repair, lay berthing, or demolition for large marine vessels, the local government must hold a public hearing on the application at least 30 days before the local government determines that the permit application is complete.

"Large marine vessels" are defined as marine vessels that are 75 feet or more in length.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony of Engrossed Bill: PRO: This bill will provide for public hearings before permits are issued for the purposes described in the bill. This will provide an opportunity for those people who own land that is being impacted to have some input into the permitting process. Ruston Way in Tacoma is being considered for large berthing operations for a long period of time without involvement of landowners who own land along Ruston Way. These large ships block the views of local residents. These large ships belong in port districts, not residential areas. It is important that this bill not affect port districts. Additionally, this bill is not designed to stop shipyard construction.

CON: This bill will put jobs in jeopardy. It could make an investment in infrastructure more complicated. This bill will affect any boat that is 75 feet or longer that is in any place. This bill has a broad reach to it. While it is inconvenient to have large boats block views, it is

important to note that Washington is also a historic maritime state. This bill affects 200 cities and 39 counties. There is concern about having a hearing before an application is complete. This requirement could mean that an application would have to go through multiple hearings.

Persons Testifying: PRO: Representative Steve Conway, prime sponsor; Eugene Wiegman, Walk Waterfront.

CON: John Lockwood, Randy Ray, Todd Shipyard; Matthew Boyle, Grette Associates; Eric Johnson, Washington Public Ports Association; Tom Clingman, Department of Ecology; Jim Hendrick, Port of Everett.